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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,685	09/30/2003	Robert Lepkofker	Lepkofker - Commemorative	5120
4988	7590	09/07/2007	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			HALE, ADAM G	
			ART UNIT	PAPER NUMBER
			3609	
			MAIL DATE	DELIVERY MODE
			09/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,685

Applicant(s)

LEPKOFKER, ROBERT

Examiner

Adam G. Hale

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1 - 7 and 9 - 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/30/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 –7 and 9 - 13, drawn to commemorative stamps and envelopes, classified in class 705, subclass 1.
 - II. Claim 8, drawn to a method of providing decorative non-commercial invitations to a commemorative event, and coordinating planning and implementation thereof, classified in class 705, subclass 5, 6, 8 or 9.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions accomplish different objectives. For example, Group I is directed towards commemorative stamps and envelopes and methods for their creation. This is different from Group II, which claims affair planning procedures and other affair requirements such as providing affair planning procedures, party favors and music for the affair.
4. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 3609

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Alfred M. Walker, attorney for Applicant, on August 6, 2007 a provisional election was made with traverse to prosecute the invention of Group II, claim 8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1- 7 and 9 – 13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Oath/Declaration

8. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Wedding Kit for Dummies (hereinafter referred to as Wedding Kit).

11. Wedding Kit discloses:

a. Providing envelope making (interpreted to be inherently disclosed by the Wedding Kit, See Components heading, page 61)

b. Providing invitation printing (See generally interpreted to be inherently disclosed by the Wedding Kit, See Components heading, page 61)

c. Inserting photographic indicia of a person(s), event, and/or object to be commemorated onto the invitation and envelope (object interpreted to be logo or monograms, See (i), Page 59 or “personal logo” See first paragraph, Page 66)

d. Providing address information for recipients (See (i), Page 62)

e. Mailing the indicia to recipients (interpreted to be inherently disclosed as invitations with the indicia must be mailed to recipients and the envelopes being addressed to recipients, See (i) Page 62)

f. Correlating responses from the invitations (page 49, Recording RSVPs)

g. Providing affair planning procedures including estimating number of guests and food provided therefor (interpreted to be the estimation that 10 to 20

Art Unit: 3609

percent of invited guests will not attend, page 11, Guesstimating the guest list; and planning the menus, page 185, second paragraph)

h. Providing square footage and table seating requirements for the commemorative events based upon the responses received from the invitations (Pages 145 and 146 and Table 9-1 on Page 145)

i. Providing party favors (interpreted to be the giving of gifts to guests, page 266 and 267, and Figure 13-9)

j. Providing music (See generally pages 163 – 171)

k. Assembling an accounting of gifts received (page 52, Tracking Gifts)

l. Providing thank you cards with said aforesaid photographic indicia (object interpreted to be logo or monograms, See (i), Page 59; "personal logo" See first paragraph, Page 66 and disclosure of ordering of thank you notes at the same invitations are ordered)

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weddings for Dummies (1997) teaches affair planning procedures and providing custom invitations and thank you notes. Shutterfly website accessed through archive.org with an effective date of 8/8/2002

(<http://web.archive.org/web/20020808141102/www.shutterfly.com/cards/index.jsp>)

discloses the incorporation of pictures of people into invitations and thank you cards.

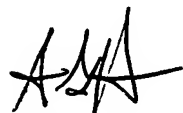
Art Unit: 3609

Conclusion

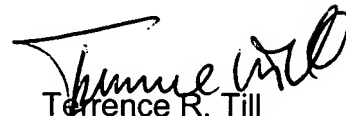
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam G. Hale whose telephone number is 571-270-3509. The examiner can normally be reached on Monday through Thursday 7:30 - 6:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on 571-272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AGH
8/22/07



Terrence R. Till
Supervisory Patent Examiner